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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MOLINARI, MICHAEL J

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/245,347

Applicant(s)

AKAMATSU ET AL

Examiner

Michael J Molinari

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33-37 and 39-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenwick et al. (U.S. Patent No. 4,947,244).
3. Referring to claim 33, Fenwick et al. disclose a receiver apparatus for receiving a program and outputting it to other apparatuses (Video Distribution System, see Figure 1, #100), comprising: an output circuit for outputting said program to said other apparatus (Video Switch Apparatus, see Figure 1, #114); and a controller for controlling an output of said output circuit (Controller, see Figure 1, #116), so as to manage a number of said other apparatuses, through which the program can be viewed or recorded simultaneously, wherein said controller determines whether said other apparatuses are regularly certified apparatuses so that said other apparatuses to which said output circuit provides said program are the regularly certified apparatuses (see column 10, lines 52-67 and column 11, lines 1-2), thereby restricting the number of said other apparatuses, to which said output circuit provides the output, to be less than or equal to a predetermined number (see column 7, line 55 to column 8, line 28).
4. Referring to claim 34, Fenwick et al. disclose that said control circuit provides no program to the other apparatuses other than that, to which the control circuit is outputting at

Art Unit: 2665

present, when the number of the other apparatuses to which the control circuit is outputting at present is equal to said predetermined number (see column 7, lines 55-67 and column 8, lines 1-2).

5. Referring to claim 35, Fenwick et al. disclose that said control circuit gives notice to the other apparatus, to which said program is not being output, that no program is to be output through said output circuit (see column 7, lines 55-67 and column 8, lines 1-2).

6. Referring to claim 36, Fenwick et al. disclose an input circuit for inputting a command from said other apparatuses, wherein said input circuit inputs an outputting requirement for said program from said other apparatuses (see Figure 2, #130 and see column 4, lines 50-53).

7. Referring to claim 37, Fenwick et al. disclose that said control circuit interrupts an output to one set of the other apparatuses, to which the control circuit is outputting at present, when the number of the other apparatuses to which the control circuit is outputting at present is equal to said predetermined number (see column 7, lines 55-67 and column 8, lines 1-2).

8. Referring to claim 39, Fenwick et al. disclose an information output apparatus for outputting Audio Visual (AV) data to other apparatuses (Video Distribution System, see Figure 1, #100), comprising: an output circuit for outputting said data to said other apparatuses (Video Switch Apparatus, see Figure 1, #114); and a controller for controlling an output of said output circuit (Controller, see Figure 1, #116), so as to manage a number of said other apparatuses, through which the program can be viewed or recorded simultaneously, wherein said controller determines whether said other apparatuses are regularly certified apparatuses so that said other apparatuses to which said output circuit provides said data are the regularly certified apparatuses, thereby restricting the number of said other apparatuses, to which said output circuit provides the

Art Unit: 2665

output, to be less than or equal to a predetermined number (see column 7, line 55 to column 8, line 28 and see column 10, lines 52-67 and column 11, lines 1-2).

9. Referring to claim 40, Fenwick et al. disclose that said control circuit is outputting at present, when the number of the other apparatuses to which the control circuit is outputting at present is equal to said predetermined number (see column 7, lines 55-67 and column 8, lines 1-2).

10. Referring to claim 41, Fenwick et al. disclose that said control circuit gives notice to the other apparatuses, to which no data is being output, that no data is to be output, through said output circuit (see column 7, lines 55-67 and column 8, lines 1-2).

11. Referring to claim 42, Fenwick et al. disclose an input circuit for inputting a command from said other apparatuses, wherein said input circuit inputs an outputting requirement for said data from said other apparatuses (see Figure 2, #130 and see column 4, lines 50-53).

12. Referring to claim 43, Fenwick et al. disclose that said control circuit interrupts an output to one set of the other apparatuses, to which the control circuit is outputting at present, when the number of the other apparatuses to which the control circuit is outputting at present is equal to said predetermined number (see column 7, lines 55-67 and column 8, lines 1-2).

13. Referring to claim 44, Fenwick et al. disclose an information output method for outputting Audio Visual (AV) data to other apparatuses, comprising the following steps of: managing a number of said other apparatuses, through which said data can be viewed or recorded simultaneously by determining whether said other apparatuses are regularly certified apparatuses so that said other apparatuses to which the data is to output are the regularly certified apparatuses (see column 10, lines 52-67 and column 11, lines 1-2); and restricting the number of said other

Art Unit: 2665

apparatuses, to which the data is output, to the regularly certified apparatus so as to be less than or equal to a predetermined number (see column 7, line 55 to column 8, line 28 and see column 10, lines 52-67 and column 11, lines 1-2).

14. Referring to claim 45, Fenwick et al. disclose that no data is provided to the other apparatuses other than that, to which data is being output at present, when the number of the other apparatuses to which data is being output at present is equal to said predetermined number (see column 7, lines 55-67 and column 8, lines 1-2).

15. Referring to claim 46, Fenwick et al. disclose that a notice is given to the other apparatuses, to which no data is being output, that no data is being output (see column 7, lines 55-67 and column 8, lines 1-2)

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenwick et al. (U.S. Patent No. 4,947,244).

18. Referring to claim 38, Fenwick et al. differ from claim 38 in that they fail to disclose that the number of the other apparatuses, through which the program can be viewed or recorded simultaneously, is determined based on a receiving contract between a provider of said program. Fenwick et al. do show that the number of other apparatuses can be varied (see column 8, lines 3-

Art Unit: 2665

28) by varying the number and arrangement of the bus lines. It is well known in the art to contract out for installation and maintenance of such a system by the provider of such a program (the hotel) to achieve the advantage of eliminating the need to maintain an in-house engineer for infrequent maintenance and upgrading of the system. One skilled in the art would have recognized the advantage of such an arrangement. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to contract out maintenance and upgrading of the system to achieve the advantage of saving money.

19. Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenwick et al. (U.S. Patent No. 4,947,244) in view of Yamada et al. (Japanese Patent Application No. Sho 9[1997]-247616).

20. Referring to claims 47-48, Fenwick et al. differ from claims 47-49 in that they fail to disclose that said output circuit outputs said program being coded. However, it is old and well known in the art to code output programs. For example, Yamada et al. teach the coding (scrambling) of output programs (see paragraph 0007 of the Detailed Explanation of the Invention), which has the advantage of preventing viewers without permission from viewing the program. One skilled in the art would have recognized the advantage of scrambling pay programs as taught by Yamada et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the scrambling of programs as taught by Yamada et al. into the invention of Fenwick et al. to achieve the advantage of preventing viewers without permission from viewing the program.

Response to Arguments

Art Unit: 2665

21. Applicant's arguments filed 26 April 2004 have been fully considered but they are not persuasive.

22. Applicant has argued that Fenwick et al. fail to teach certifying the apparatuses that can view the program as well as restricting the number of apparatuses that can view the program. However, as shown above, the examiner has shown that Fenwick et al. do in fact teach such limitations.

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Thursday 8am-6:30pm.

Art Unit: 2665

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mjm

Michael Joseph Molinari

DUCHO
PRIMARY EXAMINER

Duchetto

5-10-04